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Research Services Division

MEMORANDUM

Date: October 24, 2007

To: Office of Representative Opsommer

Re: AAMVA

As requested, we are providing additional information federal oversight of databases managed by the American Association of Motor Vehicle Administrators, the Driver's License Agreement noted in the introduced version of H.R. 418 of the 109th Congress, and Mexico's membership in AAMVA.

Driver's License Agreement

The original version of H.R. 418 introduced in the House of Representatives during the 109th Congress included language that made federal grants contingent upon participation in a compact known as the Driver's License Agreement:

SEC. 203. LINKING OF DATABASES.

(a) IN GENERAL.-To be eligible to receive any grant or other type of financial assistance made available under this title, a State shall participate in the interstate compact regarding sharing of driver license data, known as the "Driver License Agreement", in order to provide electronic access by a State to information contained in the motor vehicle databases of all other States.

This language was intact when H.R. 418 passed the House of Representatives and was sent to the Senate. However, we are unable to find any indication that the U.S. Senate ever acted on H.R. 418. The Real I.D. language found in P.L. 109-13, seems to have been imported into H.R. 1268 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 by the conference committee. In doing so, the conference committee incorporated language in Section 204 authorizing the Secretary of Homeland Security to make grants to the states to conform to provisions in this title and removed language from HR 418 that linked eligibility for federal grants to participation in the Driver License Agreement. *

The Drivers License Agreement mentioned in H.R. 418 has been proposed by the AAMVA to replace the two existing interstate compacts, the Drivers License Compact and the Non-residents

Violators Compact. The DLA proposes to share information with Canada, Mexico, and possibly other countries. The National Conference of State Legislators (NCSL) in a written review of the DLA has expressed concerns with the legality of states sharing information with foreign countries without federal involvement. The NCSL review can be found at:

<http://www.ncsl.org/programs/transportation/driverlicenseagree05.htm>.

AAMVA Databases and Federal Oversight

The Real ID Act of 2005 creates a system by which states would share driver license information through a national database. The statute says little about the construction or management of the database. However, the Conference Report, acknowledges the existence of the Department of Transportation's (DOT) National Drivers Register, also known as the Problem Driver Pointer System and its intent that this database will be the means for states to share information under the REAL ID Act. Further, the Conference report acknowledges that DOT will need to revise federal regulations governing the database to conform to rules enacted by the Department of Homeland Security under this Act. The portions of the Conference Report related to the REAL ID Act are enclosed.

It appears that the AAMVA currently manages three nationwide databases as directed by the federal government. Two databases described in our earlier memo include the Commercial Driver License Information System and the National Driver Register with oversight by the Department of Transportation. The third database is the National Motor Vehicle Title Information System (NMVTIS) which provides an electronic means to verify and exchange titling, brand, and theft data among motor vehicle administrators, law enforcement officials, prospective purchasers, and insurance carriers. NMVTIS was authorized by the Anti Car Theft Act of 1992 (Public Law 102-519). The U.S. Department of Justice has responsibility to implement the information system. In 1992, the AAMVA was named the system operator for the title information system as prescribed by the Anti-Car Theft Act of 1992.

In addition to the three nationwide databases managed by the AAMVA under the purview of the federal government, it appears that the AAMVA also manages two databases established under interstate compacts; the Drivers License Compact (DLC) and the Non-residents Violators Compact. According to the National Conference of State Legislators (NCSL), access to the DLC is limited to states that have joined the compact. The Violators Compact however, allows participation by provinces of Canada and other countries. States join these compacts through legislative action. Michigan is not a member of either compact.

Mexico's Membership

You also requested that we verify whether Mexico is a member of the AAMVA. We spoke with Andre Owen, Member Services, AAMVA and he confirms that the federal government of Mexico is a non-voting member as defined by their by-laws. However, individual Mexican states would have to join separately and no Mexican state has joined.

We hope this information is useful. Please contact the Research Services Division if we can provide additional assistance.